

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN RANAE GLEEN CANDLER,
Plaintiff,
v.
JOHN & JANE DOES, et al.,
Defendants.

No. 1:23-cv-00459-JLT-SAB (PC)
ORDER REGARDING PLAINTIFF'S
MOTION TO SUBSTITUTE NAMED
DEFENDANT
(ECF No. 39)

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On October 16, 2023, the Court ordered that this action proceed on Plaintiff's excessive force claim against the unidentified Doe Defendant, an officer employed at Wasco State Prison. (ECF No. 37.)

On October 17, 2023, the Court sent Plaintiff a copy of Form AO 88B to complete and return within thirty days, and granted Plaintiff 90 days to file a motion to substitute the named Defendant in place of the Doe Defendant. (ECF No. 38.)

On October 30, Plaintiff filed a motion to substitute the named Defendant. (ECF No. 39.) In his motion, Plaintiff seeks to substitute three named Defendants in place of the one Defendant the Court found that Plaintiff stated a cognizable claim. (*Id.* at 1.) Plaintiff states that he filing a motion to substitute to name Defendants J. Ball, Baker, and Hernandez, as officers

1 who attacked him. (Id.) Plaintiff is advised that he cannot seek to add additional Defendants to
2 this action by way of a motion to substitute, as the Court found the operative complaint stated a
3 cognizable claim against only one Doe Defendant. (ECF No. 37.) Thus, if Plaintiff is seeking to
4 amend his complaint to add additional Defendants, he must file a motion to amend, along with a
5 proposed second amended complaint which is complete within itself. Local Rule 220 requires
6 that an amended complaint be complete in itself without reference to any prior pleading. This
7 requirement exists because, as a general rule, an amended complaint supersedes the original
8 complaint. See Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015) (“an
9 ‘amended complaint supersedes the original, the latter being treated thereafter as non-
10 existent.’”).

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. Plaintiff’s motion to substitute a named Defendant is denied, without prejudice;
- 13 2. A second amended complaint shall be filed within thirty (30) days from the date of
14 service of this order, if so desired by Plaintiff; and
- 15 3. If an amended complaint is not filed, this action will continue to proceed on
16 Plaintiff’s first amended complaint and another motion for substitution will be
17 required.

18 IT IS SO ORDERED.

19 Dated: October 31, 2023

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21 UNITED STATES MAGISTRATE JUDGE
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